



**United States Coast Guard
Marine Safety Unit Toledo**

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**Marine Safety Information Bulletin (MSIB) 01-2008
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REFERENCES: 46 CFR Part 4
46 CFR Part 16
49 CFR Part 40
Marine Safety Manual V CH. B-2

SITUATION: In recent months there have been incidents of reportable marine casualties where the reporting requirements in 46 CFR subpart 4.05 have not been followed. Along with casualty reporting issues, there have been instances where there has been little to no effort in determining if the use of drugs and/or alcohol were involved following a marine casualty or the mandatory chemical testing of involved personnel following a serious marine incident as outlined in 46 CFR 4.05-12 and subpart 4.06.

The intent of this MSIB is to help assist Mariners/companies comply with the requirements of casualty reporting and post casualty chemical screening/testing. Please reference the applicable sites in the Code of Federal Regulations for the complete disclosure of the regulations referred to in this bulletin.

REPORTING REQUIREMENTS:

Notice of Marine Casualty (46 CFR 4.05-1): The immediate notification process is important as it creates awareness for the Coast Guard and allows for other immediate action(s) to take place, such as assistance from first responders, EMS, Coast Guard, and/or local law enforcement. For inspected vessels, the casualty may necessitate the need for a Coast Guard Inspector to assess the damage and inspect the repairs necessary to return the vessel into service. Lastly, it puts the Coast Guard Investigating Officer into action if the situation requires it. The immediate notification to the local Marine Safety Unit is crucial to the immediate action required for the situation. Failure to comply with the immediate notification process has a maximum civil penalty of \$27, 500.00.

Written Report of Marine Casualty (46 CFR 4.05-10): The written report, CG-2692 and applicable supplements, are required to be completed and submitted within five days and is in addition to the required immediate notification. These forms can be printed from the Coast Guard's Homeport website at homeport@uscg.mil in the INVESTIGATIONS section. An instruction sheet is part of the form and should be referenced to ensure that a fully completed form is submitted. A form that is incomplete may be returned. Failure to submit a written report of a marine casualty within five days carries a maximum civil penalty of \$27,500.00.

A critical portion of the form is Section IV (block 44), Description of Casualty. This is where a detailed description of the casualty is documented, along with recommendations for corrective safety measures, and drug/alcohol involvement or testing. Refer to the instruction sheet for further guidance or consult the local Marine Safety Office. If more room is needed, it is acceptable to attach a separate, signed and witnessed sheet of paper to the form and reference the attached sheet in block 44.

ALCOHOL or DRUG DETERMINATION/TESTING REQUIREMENTS:

Not every casualty requires mandatory alcohol/drug testing. For every marine casualty required to be reported by 4.05-10, the marine employer shall determine if there is evidence of alcohol or drug use by the individuals directly involved in the casualty. This information is required to be included on the CG-2692 (block 44). It should identify those individuals who were involved in the casualty, the result of the screening, and the method used to obtain the information (e.g. personal observation, chemical test). If a crewmember is found to be under the influence of alcohol/drugs and the vessel carries a log book, a log entry must be made, witnessed, and the crewmember made aware of the entry. Also, if the crewmember refuses to submit to or cooperate, in the administration of a directed chemical test by the marine employer or law enforcement officer, the fact shall be noted in the official log book and noted on the CG-2692. Please refer to 46 CFR subpart 4.05 for further information. The maximum civil penalty for an employer to fail to determine whether there is any evidence of alcohol or drug use by individuals involved in a marine casualty is \$25,000.

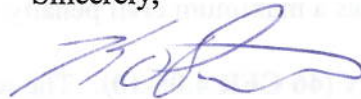
Mandatory Chemical Testing following a Serious Marine Incident (SMI)

When an incident is an SMI or is likely to become an SMI, as defined by 46 CFR 4.03-2, the employer shall determine which employees are involved and take appropriate steps to have each employee tested for alcohol and drugs. Please refer to 46 CFR 4.03-2 for more information on what constitutes an SMI and 46 CFR subpart 4.06, and 46 CFR part 16 for the requirements for mandatory chemical testing requirements following an SMI. Failure to comply with mandatory chemical testing or the reporting for an SMI carries a maximum civil penalty of \$25,000.

Conclusion

It is vital that the communication and partnership between the Coast Guard and the maritime industry continue to strengthen. It is imperative and mandatory that the reporting and chemical testing requirements for marine casualties be followed. Any violations of the reporting and/or chemical testing requirements will be subject to civil penalties and/or Suspension and Revocation proceedings against the mariners credentials. If you have any questions or wish to discuss further these requirements please contact my Prevention staff at 419-418-6036. Further, if you have questions, problems or doubts on the requirements concerning a marine casualty, please reference the applicable CFR or contact my staff.

Sincerely,



K. O. PELLETIER

Lieutenant Commander, U.S. Coast Guard

Commanding Officer Marine Safety Unit Toledo